

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HYRUM JOSEPH WEST,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

2:15-cv-01504-LDG-NJK

ORDER

On August 11, 2015, this court denied petitioner's motion to proceed *in forma pauperis* and directed him to pay the filing fee in order to proceed with his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 4. He has complied with that order and paid the required fee. ECF No. 10. The court has reviewed the petition pursuant to Habeas Rule 4, and the petition shall be docketed and served.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim(s) not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim(s).

Petitioner has also filed a motion styled as a "motion for leave of the court to expand the record." ECF No. 3. With that motion, he asks that all memoranda and exhibits submitted with his petition be included in the record herein. He represents to the court that all the materials are identical

1 to those filed in his state post-conviction proceedings. If so, he is not required to obtain permission
2 from this court to make them part of the record in this case. *See* Rule 5, Rules Governing Habeas
3 Corpus Cases Under Section 2254. Thus, the motion shall be denied as moot.

4 **IT THEREFORE IS ORDERED** that the Clerk shall FILE the petition for writ of habeas
5 corpus (with attachments) and ELECTRONICALLY SERVE it and a copy of this order on the
6 respondents.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,
8 Attorney General of the State of Nevada, as counsel for respondents.

9 **IT IS FURTHER ORDERED** that respondents shall have 60 days from the date of entry of
10 this order to appear in this action, and to answer or otherwise respond to the petition.

11 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60
12 days from the date on which the answer is served on him to file and serve a reply. If respondents file
13 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on
14 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30
15 days to file a reply in support of the motion.

16 **IT FURTHER IS ORDERED** that any additional state court record exhibits filed herein by
17 either petitioner or respondents shall be filed with a separate index of exhibits identifying the
18 exhibits by number. The CM/ECF attachments that are filed further shall be identified by the
19 number or numbers of the exhibits in the attachment. The hard copy of any additional state court
20 record exhibits shall be forwarded – for this case – to the staff attorneys in **Reno**.

21 **IT IS FURTHER ORDERED** that petitioner's motion to file excess pages (ECF No. 2) is
22 GRANTED. Petitioner's motion for leave to expand the record (ECF No. 3) is DENIED as moot.

23 Dated this 10 day of December, 2015.

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26 UNITED STATES DISTRICT JUDGE